

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PHOENIX PAYMENT SYSTEMS, INC.	)	
d/b/a ELECTRONIC PAYMENT	)	
EXCHANGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-537-***
	)	
LEXCEL, INC. and	)	
LEXCEL SOLUTIONS, INC.,	)	
	)	
Defendants	)	

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, plaintiff filed a motion to dismiss defendant Lexcel's counterclaim and an opening brief in support of that motion on November 16, 2007;

WHEREAS, defendants' answering brief in opposition to this motion to dismiss is due on December 7, 2007 under the Local Rules; and

WHEREAS, the parties have agreed to an extension of the briefing schedule provided under the Local Rules to accommodate defense counsel's schedule.

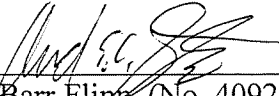
Counsel for the parties hereby stipulate and agree, subject to Court approval, that defendants' answering brief in opposition to Plaintiff's Motion to Dismiss Defendant Lexcel's Counterclaim shall be filed on or before December 17, 2007.

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*Attorneys for Defendants  
Lexcel, Inc. and Lexcel Solutions, Inc.*

Dated: December 6, 2007

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge